

for his signature, Senate bill No. 191, "An act making an appropriation for the *per diem* pay of the members, and the *per diem* pay of the officers and employés of the Thirteenth Legislature of the State of Texas."

H. R. LATIMER, Chairman.

On motion of Senator Dohoney the Senate adjourned to 10 o'clock A. M. next Monday.

SENATE CHAMBER,

AUSTIN, TEXAS, March 24, 1873.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the Rev. Dr. Burleson.

On motion of Senator Avinger, the reading of the journal of Saturday was dispensed with.

On motion of Senator Shelley, the vote adopting the report of the conference committee on House bill No. 233, "An act regulating elections," was reconsidered.

Senator Shelley offered the following amendment to the report: Strike out the words "its passage," in last line of the last section, and insert "the fifteenth day of May, A. D. 1873."

Adopted, and report as amended adopted.

Senator Latimer, chairman of the Committee on Enrolled Bills, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Enrolled Bills have carefully examined and compared the following bills, and find them correctly enrolled, to-wit:

Senate bill No. 198, "An act making an appropriation to defray the expense of distributing blank forms from the Comptroller's office for the assessment of taxes," etc.

Senate joint resolution No. 9, "Ratifying an amendment to section six of article ten of the Constitution of the State of Texas, proposed by joint resolution of the Legislature of the State of Texas, passed May 17, 1871."

H. R. LATIMER, Chairman.

Senator Broughton introduced a bill to be entitled "An act to remove the disabilities of minority from J. Tyler Shannon." Read first time and referred to Judiciary Committee No. 2.

Senator Shelley introduced a bill to be entitled "An act



to change the line between the counties of Burnet and Lampasas." Read first time and referred to the Committee on Counties and County Boundaries.

Senator Swift introduced a bill to be entitled "An act to appoint an agent to take charge of the property bequeathed to the State of Texas for certain purposes by Oscar L. Holmes, and to carry into effect said bequest." Read first time and referred to Judiciary Committee No. 1.

A message was received from the House informing the Senate that the House had adopted the report of the conference committee on House bill No. 233, "An act regulating elections," as amended by striking out of last line of last section the words "its passage" and inserting "the fifteenth day of May, A. D. 1873."

And had passed the following Senate bills:

"An act authorizing the Commissioner of the General Land Office to employ additional clerks and draughtsmen."

Senate bill No. 74, "An act to incorporate the city of Lampasas, in the county of Lampasas."

Senate joint resolution No. 21, "Joint resolution awarding Winchester rifles to certain persons."

Also, had passed the following House bills:

"An act to incorporate the town of Mexia, in Limestone county."

"An act to authorize the Police Court of Collin county to levy and collect a special tax for the purpose of building a court house and jail."

"An act to levy a special tax in Lavaca county to build a court house and jail."

"An act to authorize James P. Dumas and others to construct and keep a toll bridge across Choctaw Bayou, in Grayson county."

"An act to amend section twenty-three of an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870."

"An act to authorize the County Court of Gillespie county to levy a tax to repair roads."

"An act to amend an act to dispense with scrolls and seals in certain cases."

On motion of Senator Cole, the rules were suspended, and House bill No. 338, "An act to incorporate the town of Quitman, in Wood county," was taken up, read sec-



ond time and passed to third reading; rules further suspended, read third time and passed.

On motion of Senator Finlay, the rule was suspended, and Senate bill No. 190, "An act to incorporate Concrete College," was taken up, read second time and ordered engrossed; rules suspended, read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Fountain, Franks, Gaines, King, Latimer, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Tendick, Tracy, Word and Mr. President—24.

On motion of Senator Broughton, the rule was suspended, and "An act to incorporate the city of Sherman," was taken up, read second time and ordered to be engrossed; rules further suspended, read third time and passed.

On motion of Senator Broughton, the rules were suspended, and "An act to incorporate the City Bank of Sherman," was taken up, read second time and ordered engrossed; rules suspended, read third time and passed by a two-third vote, as follows:

Yeas—Senators Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, King, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tendick, Tracy and Mr. President—24.

Nay—Senator Word—1.

On motion of Senator Ruby, the rule was suspended, and House bill No. 224, "An act to incorporate the State Bank at Galveston," was taken up, read second time and passed to third reading; rules suspended, read third time and passed by a two-thirds vote:

Yeas—Senators Avinger, Ball, Broughton, Cole, Evans, Ford, Finlay, Fountain, Gaines, King, Latimer, Rawson, Ruby, Saylor, Sayers, Shelley, Tendick, Tracy and Mr. President—19.

Nay—Senator Word—1.

Senator Fountain offered the following resolution:

*Resolved*, That all private bills, or bills not of a general nature, are hereby made the special order for one o'clock each day, and when that hour arrives the secretary shall proceed to call the roll, and as each Senator's name is called, he shall be permitted to call up for the action of the Sen-



ate any bill not of a general nature which may be on the President's table; and each day the secretary shall proceed to call the roll at the place where he left off on the preceding day.

On motion of Senator Shelley, the rule was suspended, the resolution taken up and adopted by the following vote:

Yeas—Senators Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, King, Latimer, Rawson, Randle, Ruby, Sayers, Shelley, Swift, Tendick, Tracy, Word and Mr. President—25.

On motion of Senator Shelley, House bill No. 29, "An act to provide for the registration of voters," was taken up and made special order for 11 o'clock to-morrow.

Senator Swift, by leave, reported as follows:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your special committee to whom was referred the matter of the apportionment of the Senatorial and Representative districts of Texas, having maturely considered the same, beg leave to report the accompanying bill and recommend its passage.

W. H. SWIFT, Chairman.

Bill read first time and two hundred copies ordered printed.

On motion of Senator King, the rules were suspended, and Senate bill No. 195, "An act to regulate proceedings upon *mandamus* and *quo warranto*," was taken up.

Senator Word in the chair.

On motion of Senator Pickett, the bill was made the special order for Wednesday next at 11 o'clock, and one hundred copies ordered printed.

On motion of Senator Dohoney, the rules were suspended and Senate bill to amend Sections 1, 114, 192, 217, 235, 240, 242, 250, 251, 252, 266 and 34 of "An act prescribing the mode of proceeding in the district courts in matters of probate," approved August 15, 1870, was taken up.

A message was received from the House informing the Senate that the House had passed Senate bill No. 18, "An act to incorporate the city of Austin."

Senator Sayers proposed the following amendment as a substitute for Section 13: "SEC. 13. It shall not be lawful for any clerk of the district court or the sheriff of



any county to become a surety upon the official bond of any administrator, executor or guardian; nor shall it be competent for a deputy to exercise the powers and authority herein conferred upon the clerk.

"SEC. 14. That this act shall take effect and be in force from and after its passage."

Adopted.

Senator Finlay proposed to amend section one, line twenty-eight, by striking out all after the word "property" down to the word "provided," in line thirty-one; and in line thirty-three, same section, by inserting after the word "vacation," the words "and where there is no contest." Adopted.

Also, in line three, section eight, strike out the words "or clerk."

The hour having arrived for the consideration of bills of a special character, under the resolution adopted this morning, the pending business was suspended, and the roll being called Senator Avinger called up House bill No. 15, "An act to authorize the building of a free public bridge across Big Cypress, in the corporate limits of the city of Jefferson." Read three several times under a suspension of the rules and passed by the following two-thirds vote:

Yeas—Senators Avinger, Ball, Cole, Dillard, Dohoney, Evans, Finlay, Flanagan, Fountain, Franks, Gaines, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tracy, Word and Mr. President—21.

Senator Ball called up "An act to authorize the County Court of Parker county to levy and collect a special tax for certain purposes." Read second time and ordered engrossed; rules suspended, read third time and passed.

Senator Cole called up House bill No. 269, "An act to authorize Howard Keys and his associates to construct a toll bridge across the Sabine river, at Crockett's Bluff." Read second time and passed to third reading; rules suspended, read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Ball, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tracy, Word and Mr. President—22.

Senator Flanagan in the chair.

Senator Dillard called up Senate bill No. 187, "An act



for the relief of R. B. Reagan, sheriff of Cherokee county." Read second time.

Senator Finlay moved to amend as follows: "*provided*, that the sum of two hundred and seventy-nine dollars be appropriated to Bayland Orphan Asylum, for the benefit of its orphans." Laid on the table.

Senator Finlay moved to refer the bill to Judiciary Committee No. 2. Lost.

Senator Pickett moved to refer the bill to committees Nos. 1 and 2 on Judiciary. Lost by the following vote:

Yeas—Senators Avinger, Ball, Evans, Finlay, Flanagan, Franks, Rawson, Saylor, Word and Mr. President—10.

Nays—Senators Cole, Dillard, Dohoney, Ford, Fountain, Gaines, Randle, Ruby, Sayers and Swift—10.

On motion of Senator Saylor, the Senate adjourned to 10 o'clock A. M. to-morrow, by the following vote:

Yeas—Senators Ball, Dillard, Evans, Ford, Gaines, King, Rawson, Ruby, Saylor, Sayers, Shelley, Swift and Word—13.

Nays—Senators Avinger, Cole, Dohoney, Finlay, Flanagan, Fountain, Franks, Randle and Mr. President—9.

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SENATE CHAMBER,

AUSTIN, TEXAS, March 25, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by Rev. B. A. Rogers.

On motion of Senator Fountain the special committee appointed to investigate accounts approved by the Committee on Contingent Expenses, were allowed to continue in session in the ante-chamber during the session of the Senate.

Senator Latimer, chairman of the Committee on Enrolled Bills, made the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Enrolled Bills have the honor to report that they have carefully examined and compared Senate bill No. 119, "An act authorizing the Commissioner of the General Land Office to employ additional draughtsmen and clerks," and find the same correctly enrolled.

H. R. LATIMER, Chairman.